

SEP 26 2008

JOHN F. CORCORAN, CLERK
BY: *J. Corcoran*
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

BERNARD RAY RICHARDSON, Petitioner,)	Civil Action No. 7:08-cv-336
v.)	<u>FINAL ORDER</u>
GENE M. JOHNSON, Respondent.)	By: Hon. James C. Turk Senior United States District Judge

In accordance with the written memorandum opinion entered this day, it is hereby

ORDERED

that, inasmuch as the Respondent's motion to dismiss was timely filed, Petitioner's motion for default judgment (docket # 17) is **DISMISSED**; the Respondent's motion to dismiss shall be and hereby is **GRANTED**; and this petition for writ of habeas corpus, pursuant to 28 U.S.C. §2254, shall be and hereby is **DISMISSED** and **STRICKEN** from the active docket of this court.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to the petitioner and counsel of record for the respondent.

ENTER: This 26th day of September, 2008.

James C. Turk

Senior United States District Judge